

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER
DOCUMENTS WILL BE REVIEWED PRIOR
TO HEARING.**

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

PROBATE

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700057

CASE NAME: MTR OF GLORIA JEAN GULA

SEE ALSO 2

HEARING:

FIRST AND FINAL Account and Report of GARY GULA, DAVID GULA and
Petition for allowance of fees filed.

COUNSEL:

GARY GULA	(PET)...SPRINGER & POLLOCK
DAVID GULA	(PET)...SPRINGER & POLLOCK
GLORIA JEAN GULA	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Report and Petition
for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney requests statutory fees of \$6,985.00. Ok.
2. Attorneys request extraordinary fees of \$1,000 in connection with the sale of the real property. Billed at \$300/hour for 8.7 hours. Attorneys waive all amounts in excess of \$1,000. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 Cal. App. 2d 792). File verified supplement.

RECOMMENDATION:

Need to clear note 2. If approved, court to set hearing on filing receipts and final
discharge for 11/12/09.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700058

CASE NAME: MTR OF JOSEPH GULA

SEE ALSO 1

HEARING:

FIRST AND FINAL Account and Report of GARY GULA, DAVID GULA and
Petition for allowance of fees filed.

COUNSEL:

GARY GULA	(PET)...	SPRINGER & POLLOCK	
DAVID GULA	(PET)...	SPRINGER & POLLOCK	
JOSEPH GULA	(DEC)...		
WILLIAM GULA	(TP)...		
PAULETTE T SAKACH	(HARTNELL LISTER & MOORE	)...	HARTNELL
MICHAEL L MYOSKY	(LAYNE A BARTHOLOMEW	)...	LAYNE A B
MARCELLA VOLAK	(LAYNE A BARTHOLOMEW	)...	LAYNE A B
STEPHEN S MYOSKY	(LAYNE A BARTHOLOMEW	)...	LAYNE A B
LEONARD J MYOSKY	(HARTNELL, LISTER & MOORE	)...	HARTNELL,
WILLIAM GULA	(PRO/PER	)...	PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney requests statutory fees of \$10,663.00. Ok.
2. Attorney requests extraordinary fees of \$1,000 in connection with the sale of the real property. Billed at \$300/hour for 8.7 hours. Attorneys waive all amounts in excess of \$1,000. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 Cal. App. 2d 792). File verified supplement.

3. Petitioners request \$1,260 (84 hours) and \$1,290 (86 hours) respectfully for extraordinary compensation. Billed at \$15/hour. Services are itemized.
JTD

RECOMMENDATION:

RFA subject to note 2. If approved, court to set hearing on filing receipts and final discharge for 11/12/09.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700187

CASE NAME: MARTHA F MYERS LIVING TRUST

HEARING:

SECOND Account and Report of HARRIETT D INGRAM and Petition for allowance of fees filed.

COUNSEL:

MARLA J GREENBERG	(PET)...	ROBBINS & HOLDAWAY
HARRIETT D INGRAM	(APP)...	GARY E. MASTIN & ASSOCIATES
HARRIETT D INGRAM	(PET)...	GARY E. MASTIN & ASSOCIATES
HARRIETT D INGRAM	(OBJ)...	GARY E. MASTIN & ASSOCIATES
MARLA J GREENBERG	()...
MARTHA F MYERS LIVING TRUST, D()...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Second account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 7/17/08, the court entered a Judgment After Trial on Petition for Immediate Distribution of Trust Assets and Removal of Harriet D. Ingram as Trustee (purple tab in Vol. 1 of file). The court removed Harriet Ingram as trustee, appointed Marla Greenberg as successor trustee, ordered that Harriet Ingram may reside rent-free in the residence until sold, and ordered that the trustee estate be distributed equally to settlor's three living children.
2. Harriet Ingram now presents her second (and final) accounting for her period as trustee.
3. **On 9/1/2008, Harriet Ingram filed a Notice of Appeal of the court's 7/17/08 ruling (orange tab in Vol. 2 of file). There is no indication of a stay. Code of Civil Procedure section 916(a), however, states in relevant part that "the perfecting of an appeal stays proceedings in the trial court upon the**

judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order.” It appears that the present accounting would be affected by the prior ruling now on appeal because it includes and relies upon aspects of the prior ruling such as the removal of the prior trustee who is making the accounting and the specification of the distribution of trust assets. Therefore, it is suggested that the court find pursuant to CCP 916(a) that proceedings in this court regarding the accounting are stayed by the appeal.

RECOMMENDATION

Continue the hearing on the accounting pending the appeal.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700369

***VACATED*—PETITION TO TERMINATE PROCEEDINGS**

CASE NAME: EDWARD F. PACHECO

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ALLEN PACHECO (PET)...ALLAN HERZLICH
EDWARD F PACHECO (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700369

CASE NAME: EDWARD F. PACHECO

HEARING:

Motion Re: MOTION TO TERMINATE PROBATE PROCEEDINGS Filed by
Petitioner ALLEN PACHECO

COUNSEL:

ALLEN PACHECO (PET)...ALLAN HERZLICH
EDWARD F PACHECO (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Motion to Terminate Probate Proceedings

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the estate real property was lost to foreclosure and therefore, there are no assets subject to probate administration. Despite petitioner's attempts, foreclosure was unavoidable. Petitioner alleges that the mortgage payments ate up the estate funds (approximately \$20,000). Petitioner further alleges that petitioner personally paid some of the mortgage payments to no avail.
2. Need to file notice of hearing and proof of service, including notice to creditor, First Tennessee Bank.

RECOMMENDATION:

Need notice and then court's discretion. If approved, no need to set future dates.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700369

VACATED- PETITION TO TERMINATE FILED

CASE NAME: EDWARD F. PACHECO

HEARING:
Accounting Review

COUNSEL:
ALLEN PACHECO (PET)...ALLAN HERZLICH
EDWARD F PACHECO (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700539

CASE NAME: FRANK K BRUNO

HEARING:
Accounting Review

COUNSEL:
JUDITH LARRABEE (PET)...JEANNE M FITZGERALD
FRANK H BRUNO (DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 7/16/07 (full authority, no bond)

Continued from 9/11/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700547

CASE NAME: RUTH ELLEN BARNES

SEE ALSO 9

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JAMES BARNES (PET)...LAW OFFICES OF MARK CANTRELL
RUTH ELLEN BARNES (DEC)...

GENERAL INFORMATION:

Continued from 1/10/08 at request of counsel. Nothing new filed.

Continued from 3/5/08 at request of counsel to file I&A. Nothing new filed.

Continued from 4/16/08 at request of counsel to file I&A. Nothing new filed.

Continued from 6/4/08 at request of counsel. Nothing new filed.

Last continued from 7/16/08 and 9/11/08. Court orders attorney and his client to personally appear at the 11/6/08 hearing. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal and
Accounting/Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 7/12/07 (full authority, no bond)
2. No Inventory and Appraisal is filed. Need the same.
3. No accounting or status report is filed.

RECOMMENDATION:

When Inventory and Appraisal is not filed as ordered, the court may set a hearing in
accord with Pro. C. § §8804 and or §8505. No bonding company to notice.

Gls/kms/abs/abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700547

CASE NAME: RUTH ELLEN BARNES

SEE ALSO 8

HEARING:
Accounting Review

COUNSEL:
JAMES BARNES (PET)...LAW OFFICES OF MARK CANTRELL
RUTH ELLEN BARNES (DEC)...

See prior notes (matter 8)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700625

CASE NAME: HAROLD P KETTERMAN

HEARING:
FIRST AND FINAL Account and Report of DIANA KETTERMAN and
Petition for allowance of fees filed.

COUNSEL:
DIANA KETTERMAN (PET)...SUZANNE M GRAVES
HAROLD P KETTERMAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Report on Waiver of Account and
Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Both residual heirs have waived an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$31,350.00. Ok.
4. Petitioner paid an initial filing fee of \$2,135.00 which included a graduated filing fee of \$1,815.00. Petitioner is entitled to reimbursement under Burkey v. State of California (2008) 161 Cal. App. 4th 465 of the \$1,815.00.

RECOMMENDATION:

RFA. Petitioner is entitled to a refund of \$1,815.00. If approved, court to set hearing on
filing receipts and final discharge for 1/14/10.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700651

CASE NAME: GEORGE ALEXANDER CORONA

VACATED

HEARING:
Accounting Review

COUNSEL:
SARA KALININ (PET)...PRO/PER
GEORGE ALEXANDER CORONA (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800263

CASE NAME: MARY R. MONTES

SEE ALSO 13

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

RUBEN S RIVERA (PET)...PRO/PER
MARY R MONTES (DEC)...

X REF 800264

GENERAL INFORMATION:

**Continued from 5/22/08, 7/17/08 and 9/11/08 at request of petitioner to clear notes.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA filed by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All residual heirs have waived bond.
2. Need to file proof of publication.

RECOMMENDATION:

RFA subject to note 2. If approved, court to set hearing on the filing of the inventory and
appraisal for 6/18/09. Set hearing on accounting review for 1/14/10. Accounting to be
filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800264

CASE NAME: ELIAZ SOTO RIVERA

SEE ALSO 12

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

RUBEN S RIVERA (PET)...PRO/PER
ELIAZ SOTO RIVERA (DEC)...

X REF 800263

GENERAL INFORMATION:

**Continued from 5/22/08, 7/17/08 and 9/11/08 at request of petitioner to clear notes.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA filed by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All residual heirs have waived bond.
2. Need to file proof of publication.

RECOMMENDATION:

RFA subject to note 2. If approved, court to set hearing on the filing of the inventory and
appraisal for 6/18/09. Set hearing on accounting review for 1/14/10. Accounting to be
filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800637

CASE NAME: WAYNE D. ANDREWS

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

KIN RENEE SOTO (PET)...DENNIS K HASTY
WAYNE D. ANDREWS (DEC)...
MELODY HARSOCK ANDREWS BATEMAN(TP)...PHILIPSON & ERDMIER

GENERAL INFORMATION:

Continued from 8/21/08 at request of counsel. Objections are to be filed.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the sole heir and waives bond. **Supp: petitioner alleges that further information shows that decedent had four children during his lifetime, but each child was adopted prior to the death of decedent. Therefore, the adoption would sever the parent-child relationship per Pr.C. §6451.**

RECOMMENDATION:

Recommend for approval absent objections. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 6/18/09. Set hearing for filing of accounting and/or status report for 1/14/10. Any accounting to be filed 30 days in advance.

(gls/cbr/gls)

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800727

CASE NAME: DOROTHY LILLY

HEARING:

Petition for FOR ORDER THAT ADMINISTRATION OF THE ESTATE OF
DOROTHY LILLY IS NOT NECESSARY; REQUEST ETC

COUNSEL:

EARL S LILLY SR
DOROTHY LILLY

(PET)...SOHEILA AZIZI & ASSOCIATES P C
(DEC)...

GENERAL INFORMATION:

Continued from 9/11/08. No appearance and nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Order that Administration of the
Estate is not necessary and request for order confirming ownership of property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse of decedent who died 10/8/07. Petitioner alleges that decedent owned real property situated at 6969 Shamrock Lane, Alta Loma which was held by decedent as her sole and separate property pursuant to an Interspousal Transfer Grant Deed recorded 3/1/03. Petitioner alleges the property was titled this way in order to secure financing. However, the parties intended that the property was to belong to the survivor of them. Furthermore, decedent's two surviving children have signed a Declinations of Inheritance in favor of petitioner. Therefore, petitioner would be the sole heir of the estate.
2. Question the value of the estate (i.e., real property) and if value is over \$100,000 why a probate administration would not be required? File verified supplement with points and authorities.
3. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800795

CASE NAME: THE MAXINE M SUTHERLEN TRUST

HEARING:

Petition for INSTRUCTIONS TO SUCCESSOR TRUSTEE REGARDING
VALIDITY OF TRUST INSTRUMENT

COUNSEL:

DAVID SUTHERLEN	(PET)...THE WALKER LAW FIRM
SARAH ANDERSON	(PET)...THE WALKER LAW FIRM

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Instructions to Successor Trustee re
Validity of Trust Instrument and for return of Trust Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are the beneficiaries of the Maxine M. Sutherlen Trust established 12/10/90 and subsequently restatement on 4/24/08. The original settlor died on 5/18/08, a resident of Orange County. Petitioners allege that a Second Amendment was prepared to the trust was prepared with undue influence as the settlor was recovering from pneumonia when she died. During the time the settlor was convalescing, one of petitioner's daughters, persuaded the settlor to amend her trust (see petition at page 5 – tabbed). Petitioner requests that the court instruct the trustee to disregard the Second Amendment.
2. Petitioners allege that upon settlor's death, a probate was commenced for the estate of Robert Sutherlen (settlor's deceased son). Petitioners allege that despite the order granting final distribution granted on 3/5/08, Barbara Mason, the trustee has not distributed assets to Maxine (settlor) and/or her trust. Petitioners request that any monies due Maxine as a beneficiary of the estate of Robert Sutherlen be transferred to the trust. Petitioners also request that the personal representative of Robert Sutherlen's estate be liable for twice the value of the property recovered per Pr.C. §859.

3. Petitioners allege that although the settlor was a resident of Orange County and the Trust assets are in Orange County, the trustee lives in San Bernardino County and some of the day-to-day Trust business is done in this county, San Bernardino County is the proper venue per Pr.C. §17002. JTD
4. No objections are filed at the time of the review of this file.

RECOMMENDATION:

Court's discretion re whether venue is proper. If venue is proper, set for Evidentiary hearing.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800865

CASE NAME: MTR OF WAYNE EUGENE BALDWIN

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

WILMA L BALDWIN (PET)...VARNER & BRANDT, LLP
WAYNE EUGENE BALDWIN (DEC)...

GENERAL INFORMATION:

Special administration granted on 9/23/08

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA filed by surviving spouse

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All residual heirs have waived bond. There are currently no assets subject
to administration and the purpose of the administration is to defend a
wrongful death action. JTD

RECOMMENDATION:

Recommend for approval absent objections, no bond. If approved, set hearing on the
filing of the inventory and appraisal for 6/18/09. Set hearing on accounting review for
1/14/10. Accounting to be filed 30 days in advance.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800879

CASE NAME: MARY E. CANDLER

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

THE SUN VALLEY GROUP, INC. (PET)...LAWRENCE M. OLEKSIWICZ
MARY E CANDLER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will and for Letters
Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. This is an ancillary petition for probate of Will. The original Will has been
admitted to informal probate in the County of Maricopa (PB-2007-002302).

RECOMMENDATION:

Recommend for approval absent objections. If approved, set hearing on the filing of the
inventory and appraisal for 6/18/09. Set hearing on accounting review for 1/14/10.
Accounting to be filed 30 days in advance.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800883

CASE NAME: THE LOIS NELSON TRUST

HEARING:

Petition for TO RECOGNIZE TRUST PETITION TO RECOGNIZE TRUST
AMENDMENT

COUNSEL:

DEAN RAY ROSS (PET)...JEFF GROTKE

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Recognize Trust and to Recognize
Trust Amendment

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is a brother of the decedent, Lois Nelson, and a beneficiary/co-trustee of the Lois Nelson Trust established by the decedent on 12/6/01 and modified by holographic amendment dated 2/14/03. The original settlor died on 8/19/08. Petitioner requests that the court find the Lois Nelson Trust dated 12/6/01 as valid as well as find that the amendment is valid and binding. Furthermore, if the court finds the trust and amendment thereto as binding, then the court make an order that petitioner Dean Ray Ross and Leroy Price are the co-trustees of the trust per the amendment and that Lloyd Davis and Claudia Forehand are not the co-trustees and they take no further action on behalf of the trust and to account for any funds obtained that may belong to the trust and to return those funds.
2. Part Three of the Trust at page 12 (tabbed) provides the authority of the trustor to amend or revoke the trust in whole or in part. The Trust provides that an amendment shall be "in writing, signed by the Trustor and *delivered in Trustor's lifetime to Trustee*". The trustor was also the trustee of her trust. Petitioners allege that the trustor mailed the amendment to EPICO, the company that prepared the original trust on or about 2/14/03, and that the

amendment remained on file with the company until her death and was attached to the original Trust document.

3. Need to file notice of hearing and proof of service per Pr.C. §17203.

RECOMMENDATION:

Need notice and then court's discretion. If court orders Lloyd Davis and Claudia Forehand to account for any trust property, the court may wish to set an accounting review for 2/5/09. Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800887

CASE NAME: George Acebo

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

BARBARA RENNIE	(PET)...	D. HERSHEL W ILSON
GEORGE ACEBO	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will and for Letters
Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

Recommend for approval absent objections. If approved, set hearing on the filing of the
inventory and appraisal for 6/18/09. Set hearing on accounting review for 1/14/10.

Accounting to be filed 30 days in advance.

(gls/cbr)

Superior Court of Calif, County of San Bernardino

Page: 21

CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02707

CASE NAME: VIRGINIA LEE PARKER

HEARING:

Hearing Re: Final Distribution

COUNSEL:

VERONIKA LYNN TAYLOR (PET)...RICHARD A LEHN

VIRGINIA LEE PARKER (DEC)...

GENERAL INFORMATION

Continued from 12-18-07 at the request of counsel to clear notes.

Continued from 2/26/08. Court set aside prior order for final distribution on basis petitioner had indicated that no taxes were due when in fact they were. Nothing new filed.

Continued from 5/21/08 at request of counsel. Lien filed by Franchise Tax Board.

Last continued from 9/11/08. Counsel advises that the Franchise Tax Board has withdrawn their claim and will be sending a letter verifying. Court directs counsel to refile their petition for final distribution since the prior order was set aside.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need new petition for final distribution (prior order was set aside – see above).
Receipts and petition for final discharge are not yet relevant in light of need for new final distribution order. However, suggest court inquire re whether distribution has been made.
2. Franchise Tax Board has filed a withdrawal of request for special notice.
Presumably because their claim has been satisfied, although the notice does not indicate that.

RECOMMENDATION:

Court's discretion.

NMT/abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02869

CASE NAME: SHELBY GREER-RAMIREZ

HEARING:
Hearing re Final Discharge

COUNSEL:
CAROL RAMIREZ (PET)...CREUTZ, CREUTZ % DERRENDINGER
SHELBY GREER RAMIREZ (DEC)...

GENERAL INFORMATION:
Order for Final Distribution granted 12/14/07

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge submitted. Need same.

RECOMMENDATION:
Find out status.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06751

CASE NAME: MTR OF JEAN METZGER DANNER

HEARING:

Petition for PAYMENT OF STATUTORY FEES & ORDER REPORT OF ADMIN,
WAIVER OF ACCOUNTING

COUNSEL:

CAROLE LYNN BREWER	(PET)...MARTIN E KELLER
JEAN METZGER DANNER	(DEC)...
MICHAEL DEAN DANNER	(PET)...MARTIN E KELLER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Report and Waiver of Account and Petition for
Final Distribution of Estate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. All heirs have waived an accounting by petitioner as successor administrator and of Carole Brewer, executor.
3. Petitioner waives statutory compensation. However, the heirs of Carole Brewer must also waive her portion of statutory compensation, if applicable. Need waiver on behalf of Carole Brewer.
4. Attorney requests statutory fees of \$8,760.00. Ok.
5. Attorney requests reimbursement of costs of \$1,241.16, of which \$700.00 has been paid, leaving a balance due and owing of \$541.16. Itemized.
6. Petitioner proposes distribution (pages 5-6-tabbed), but proposed distributions are inconsistent with the Will. Will provides that any monies held in a bank or savings account be distributed 50% to Carole Brewer, 40% to Michael Danner and 10% to Tracey Danner as trustee for Shane Danner until Shane turns 25. The residue is to be distributed ½ to Carole Brewer and ½ to Michael Danner. There are no bank accounts inventoried in the estate only the real property that was sold. Thus, it would appear that the

assets distributable are residual estate assets which go $\frac{1}{2}$ to Carole Brewer and $\frac{1}{2}$ to Michael Danner. Carole Brewer post-deceased and her share shall be distributable to her heirs. Concerns which require verified supplement:

- (a) Question how a proposed distribution of \$17,979.37 to Tracey Danner is allocated? It would not appear that Tracey Danner is entitled to any portion of the residue.
- (b) Question how petitioner provides that any subsequently discovered assets would be allocated 40% to Michael, 20% to Tracey and 13 $\frac{1}{3}$ % to John Brewer, Eric Lovgran and Lawre Maple. It appears any subsequent property would be distributed $\frac{1}{2}$ to Michael and $\frac{1}{6}$ to John Brewer, $\frac{1}{3}$ to Eric Lovgran and $\frac{1}{3}$ to Lawre Maple.
- (c) Have the residual heirs agreed that Michael Danner will receive the automobile and the mobile home and furniture/furnishings will go to the heirs of Carole Brewer? Need written stipulation.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06939

CASE NAME: ESTATE OF RICHARD JAMES MILLION

VACATED

HEARING:
Accounting Review

COUNSEL:
FRANK MILLION (PET)...CRAIG M PARKER
RICHARD JAMES MILLION (DEC)...
HEIR BUYOUT COMPANY (TP)...

)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06955

CASE NAME: EST OF MARGARET M RHODES

VACATED

HEARING:

Order to Show Cause re: Sanctions- FTA and failure to file final
discharge filed by ROBERT C RHODES.

COUNSEL:

ROBERT C RHODES (PET)...HARRY J HISTEN
MARGARET M RHODES (DEC)...

GENERAL INFORMATION:

Order for Final Distribution granted on 7/19/07

DFD FILED

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06989

CASE NAME: EST OF LUREE BALCOM

HEARING:

FIRST CURRENT Account and Report of *** and Petition for
allowance of fees filed.

COUNSEL:

LORRAINE LANE	(PET)...	JAMES B CHURCH
LUREE BALCOM	(DEC)...	
LORNA GLENN	(TP)...	ROGER VON KAESBORG

GENERAL INFORMATION

Continued from 5/7/08, 6/9/08 and 9/11/08. Counsel directed to file a final accounting and Lora Glenn and her counsel can review to see if a contested hearing needs to be set. Amended accounting filed 9/9/08.

THIS CASE IS SET FOR HEARING ON Amended First and Final account current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 9/1/06.
2. Need to file notice of hearing and proof of service of the amended first and final accounting.
3. Petitioner requests statutory compensation of \$10,986.24. Ok
4. Attorney requests statutory fees of \$10,986.24. Ok.
5. Attorney requests reimbursement of \$765.00 for costs advanced. Itemized.
6. **Objection filed by Lorna Glenn as to the first account current.** No objections are filed to the amended first and final account.

RECOMMENDATION

Need notice and determine whether objections will be filed to the amended first and final accounting. If approved, court to set hearing on filing receipts and final discharge for 11/12/09

(abs/vet/kra/vet/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07165

CASE NAME: MTR OF JOHN ERNEST PECNIK

VACATED

HEARING:
Accounting Review

COUNSEL:

LINDA OVERSTREET (PET)...ROGER VON KAESBORG
JOHN ERNEST PECNIK (DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 8/28/06 (full authority, no bond)

Continued from 11/1/07 at request of counsel. Nothing new filed. Note: Prior Status report was not approved by the court, just continued to this date.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Status report filed 10/22/07 indicates a civil matter has been filed re complaint for specific performance and breach of option agreement re the real property of the estate. Mediation is set for 12/6/07. Counsel requests an extension of 6 months in order to prepare an accounting to include this civil action.
2. Need notice of hearing and proof of service per Pr.C.§12201.

RECOMMENDATION:

Need notice, then court's discretion.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07245

CASE NAME: ESTATE OF RICHARD R PERROTT

SEE ALSO 29

HEARING:

Hearing Re: STATUS OF Pr.C. 850 PETITION

COUNSEL:

PATTI PERROTT	(PET)...	BYRON D GROVES
RICHARD R PERROTT	(DEC)...	JAMES B CHURCH
EVAN PERROTT	(OBJ)...	DILL AND SHOWLER
DONALD L EDGAR	(MAY LEE TONG	)...MAY LEE T
MICHAEL S KAHN	(PRO/PER	)...PRO/PER
GREGORY T ANNIGIAN	(GREGORY T ANNIGIAN	)...GREGORY T
BYRON D GROVES	(BYRON D GROVES	)...BYRON D G

XREF PROPS 0800931

GENERAL INFORMATION

On 06/19/08, trial held on petition for removal of Patti Perrott as trustee. Court ordered matter continued for a hearing on the status of the Pr. C. § 850 Petition. See 06/19/08 notes below.

Continued from 8/5/08. Attorney church to be refilling the 850 petition.

THIS CASE IS SET FOR HEARING ON petition to determine interest in and title to real property and directing transfer. (Really a Pr.C. § 850 petition)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that the grandmother of the decedent put certain real property in a trust to be held for the benefit of the decedent herein until the decedent reached the age of 35. Decedent's father, Arthur Perrot, was the trustee. Upon decedent reaching the age of 35 the property was to be distributed to him outright. The grandmother owned ½ of the real property and transferred 80% of that interest to the trust. Arthur continued to act as trustee even after decedent reached 35 until Arthur's death. Upon Arthur's death Arthur's wife Jacqueline assumed the duties as

trustee. Jacqueline is now deceased. Petitioner alleges that the administrator of the estate of the decedent herein should take possession of 40% of the property located at 12915-29 San Pablo Ave, Richmond, Calif. Petitioner alleges that the interest should be free of trust.

2. Petitioner fails to set forth who is claiming the interest adverse to the decedent or who the current trustee of the trust would be. As to those persons personal service is required. If any of the heirs of the decedent are claiming an interest in the property then they must also be personally served. Pr.C. § 851.
3. Petitioner alleges that a copy of the trust is attached at Exhibit A. It is not attached. **Exhibit attached in Opposition to Petition for Removal by Personal Representative, tabbed.**
4. Petitioner alleges that a copy of a trust deed is attached at Exhibit B. It is not attached. **Exhibit attached in Opposition to Petition for Removal by Personal Representative, tabbed.**
5. There is no objection in the file at the time of this review.
6. Service was made on Donald Edgar's attorney. There is nothing in the file regarding counsel agreeing to accept service for Donald Edgar. Does court wish to require service on Donald Edgar? Judge to decide
7. Service was made on Margaret Burliegh's attorney. There is nothing in the file regarding counsel agreeing to accept service for Margaret Burliegh. Does court wish to require service on Donald Edgar? Judge to decide
8. Need proper notice per Pr. C. § 851 on Evan Perrott and Haily Perrott,

RECOMMENDATION:
Require proper notice.

(NMT/cbr/gls)

Superior Court of Calif, County of San Bernardino

Page: 29

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07245

CASE NAME: ESTATE OF RICHARD R PERROTT

SEE ALSO 28

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

PATTI PERROTT	(PET)...BYRON D GROVES
RICHARD R PERROTT	(DEC)...JAMES B CHURCH
EVAN PERROTT	(OBJ)...DILL AND SHOWLER
DONALD L EDGAR	(MAY LEE TONG)...MAY LEE T
MICHAEL S KAHN	(PRO/PER)...PRO/PER
GREGORY T ANNIGIAN	(GREGORY T ANNIGIAN)...GREGORY T
BYRON D GROVES	(BYRON D GROVES)...BYRON D G

XREF PROPS 0800931

GENERAL INFORMATION

Continued from 7/17/07 at request of counsel.

Continued from 10/17/07 at request of counsel.

Continued from 11/28/07 at request of counsel. Nothing new filed.

Continued from 3-3-08 and 05/06/08 at request of counsel. Nothing new filed on this issue.

Continued from 06/03/08 on Court's own motion, due to Court unavailability. Parties were notified by telephone and by mail. Nothing new filed.

Continued from 06/19/08 and on 8/5/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters issued 6-6-07, \$100,000 bond.
2. No inventory filed. Need final inventory and appraisal.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505. Clerk to notify bonding company.
(/cbr/NMT/cbr/gls)

Superior Court of Calif, County of San Bernardino

Page: 30

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0600009

CASE NAME: CONSERVATORSHIP OF CARMEN P PADILLA

HEARING:

FIRST CURRENT Account and Report of DIANE D HARKISON and
Petition for allowance of fees filed.

COUNSEL:

REBECCA T PEREZ	(CPE)...PRO/PER
CARMEN P PADILLA	(PCE)...DONNASUE SMITH-ORTIZ
ANTONIO DOMINGUEZ	(PET)...WILKINSON & WILKINSON
DIANE D HARKISON	(PET)...M DANIEL SAYLOR

GENERAL INFORMATION:

Accounting covers period: 6/12/07 – 6/20/08

Assets on hand: \$4,887.50 (cash)

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance
of fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$12,520.00. Billed at various rates for various services not exceeding \$95/hour. Itemized.
2. Petitioner requests authority to take \$250/month in periodic payments for future services as conservator, commencing 10/1/08 not to exceed 26 months. JTD
3. Attorney requests fees of \$7,504.00. Billed at \$275/hour for attorney time and \$65-\$85/hour for paralegal time. Itemized.
4. Note: Both petitioner's and attorney's fee requests exceed the available cash on hand. Additionally, conservatee's monthly income is approximately \$1,200/month and conservatee's monthly residential care is \$3,175. Thus, conservatee's monthly expenses exceed conservatee's monthly income. Question how petitioner and attorney will be paid? Additionally, petitioner's periodic payment request would seem excessive at this time as

conservatee's income is not enough for her care. Need verified supplement to support how petitioner and attorney will be paid. **Supp: Petitioner indicates the fees will be paid from the sale of the real property held in the Conservatee's living trust.**

RECOMMENDATION:

Court's discretion. If approved, set next accounting review for 11/18/10. Accounting to be filed 30 days in advance.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700005

CASE NAME: MICHAEL BROWN

HEARING:

FIRST Account and Report of INLAND COUNTIES REGIONAL CENTER, INC
and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(CE)...BRUNICK MCELHANEY & BECKETT
MICHAEL BROWN (CTE)...JOAN NELMS
INLAND COUNTIES REGIONAL CENTE(CPE)...BRUNICK MCELHANEY &
BECKETT
MICHAEL BROWN (CEP)...JOAN NELMS

GENERAL INFORMATION:

Report covers period: 5/15/07 – 6/30/08

THIS CASE IS SET FOR HEARING ON First Report Current and Petition to Dispense
with current and future accountings

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the conservatee's estate qualifies for a waiver of accounting per Pr.C. §2628 and that conservatee's only income is public benefits of \$1,035/month. The bulk of the conservatee's assets are held in the Master Trust pooled account. Petitioner requests that the current and future accountings of the conservatorship estate be waived. JTD
2. Petitioner alleges that the public benefits payee was changed to the conservatee's sister, but that the conservatorship estate should continue to meet the requirements of Pr.C. §2628. JTD
3. Petitioner waives fees. Instead, petitioner requests authority to allow Master Trust of California a fee of \$587.50. In addition, petitioner requests authority to pay to Master Trust a quarterly trustee fee of \$218.75/quarter for a total of \$875/year. JTD

4. Attorney requests a reduced fee of \$1,500. Billed at \$125/hour for attorney time and \$75/hour paralegal time. Itemized. JTD
5. Attorney requests reimbursement of costs of \$49.00. Itemized. JTD

RECOMMENDATION:

Court's discretion re fees. If approved, set next review for second report to cover 7/1/08 – 6/30/09 for 11/2/09. Report to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700065

CASE NAME: ELOISE MARTHA MARTINEZ COOPER

SEE ALSO 33 34

HEARING:

Hearing Re: Application for an order to compel deposition

COUNSEL:

YVETTE ZEPEDA	(PET)...	MICHEAL G NUTTER
ELOISE MARTHA MARTI COOPER	(PCE)...	M DANIEL SAYLOR
VIRGINIA HATTAR	(PET)...	DAVID T EGLI
KATHLEEN KLEVEN	(PET)...	DAVID T EGLI
ESTHER MARTINEZ	(PCR)...	EMMA HILARIO
COURT INVESTIGATOR	(AGN)...	PRO/PER

File shows the proposed conservatee passed away – appears this issue is moot.

Superior Court of Calif, County of San Bernardino

Page: 33

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700065

CASE NAME: ELOISE MARTHA MARTINEZ COOPER

SEE ALSO 32 34

HEARING:

Hearing Re: Application for an order to compel

COUNSEL:

YVETTE ZEPEDA	(PET)...MICHEAL G NUTTER
ELOISE MARTHA MARTI COOPER	(PCE)...M DANIEL SAYLOR
VIRGINIA HATTAR	(PET)...DAVID T EGLI
KATHLEEN KLEVEN	(PET)...DAVID T EGLI
ESTHER MARTINEZ	(PCR)...EMMA HILARIO
COURT INVESTIGATOR	(AGN)...PRO/PER

File shows the proposed conservatee passed away – appears this issue is moot.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700065

CASE NAME: ELOISE MARTHA MARTINEZ COOPER

SEE ALSO 32 33

HEARING:
Accounting Review

COUNSEL:

YVETTE ZEPEDA	(PET)...	MICHEAL G NUTTER
ELOISE MARTHA MARTI COOPER	(PCE)...	M DANIEL SAYLOR
VIRGINIA HATTAR	(PET)...	DAVID T EGLI
KATHLEEN KLEVEN	(PET)...	DAVID T EGLI
ESTHER MARTINEZ	(PCR)...	EMMA HILARIO
COURT INVESTIGATOR	(AGN)...	PRO/PER

GENERAL INFORMATION:

Temporary letters issued 11/29/05

Continued from 9/25/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notes that proposed conservatee passed away. Need accounting from temporary conservator for the period 11/29/05 – current date. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 35

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800147

CASE NAME: DONNA M STONHAM

HEARING:

Petition for Appointment of Conservator

COUNSEL:

VERONICA LANUZA (CPE)...M DANIEL SAYLOR
DONNA M STONHAM (CEP)...KARIN HORSPOOL

GENERAL INFORMATION:

Temporary orders granted on 6/10/08

Continued from 7/10/08 and 9/4/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate by a private professional fiduciary, Veronica Lanuza

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges she is a private professional fiduciary and provides her registration information with the Statewide Registry. However, as of 7/1/08, a private professional fiduciary *must* be licensed through the Dept. of Consumer Affairs (Pr.C. §2340). Question if petitioner is licensed and if so, please provide petitioner's licensing information on verified supplement.
2. Petitioner requests bond be fixed at \$85,000. Appears adequate. JTD
3. Petitioner requests medical and dementia powers. Medical Capacity Declaration is filed in support.
4. Petitioner alleges there are no known relatives.
5. Need Court Investigator's report as to *permanent* appointment of conservator.
6. Citation returned.
7. Need report of counsel (Attorney Karin Horspool).

RECOMMENDATION:

Need to clear notes.

(gls/vet/gls)

Superior Court of Calif, County of San Bernardino

Page: 36

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800252

CASE NAME: LINDSAY MACK

HEARING:

Petition for Appointment of Conservator

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(CE)...BRUNICK MCELHANEY & BECKETT
LINDSAY MACK (CTE)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservator, estate only, by Inland Regional Center

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be fixed at \$48,420.00 and that all funds be placed in a blocked account held by Master Trust of California. Question why petitioner is requesting bond and blocked account? Court may wish to only require a blocked account. JTD
2. Proposed conservatee is developmentally disabled. Court must appoint counsel for proposed conservatee per Pr.C. §1471. Need report of counsel.
3. Return of citation filed.
4. Court Investigator report filed.
5. Proposed Conservatee **can** fill out Affidavit of Voter Registration.
6. Petitioner requests that the funds to be placed in the Master Trust of California be held subject to a proposed irrevocable Special Needs Trust (tabbed).

RECOMMENDATION:

Need appointment of counsel for proposed conservatee then Court's discretion re bond. Once approved, set hearing on the filing of the inventory and appraisal including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, as well as Six-month Court Investigator review for 6/18/09. Set hearing on accounting review for 1/14/10. Accounting to be filed 30 days in advance.
(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: PROPS0700572

CASE NAME: ROBERT FRAZIER MUNROE

HEARING:
Accounting Review

COUNSEL:
DIANE D HARKISON (PET)...M DANIEL SAYLOR
ROBERT FRAZIER MUNROE (DEC)...

XREF SC03127

GENERAL INFORMATION:

Letters of Administration, C.T.A. issued 8/9/07 (full authority, \$370,000 bond)

Continued from 9/25/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting/status report is filed.

RECOMMENDATION:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS01214

CASE NAME: IN THE MATTER OF JULIE FORRESTER

HEARING:
Hearing Re: SUBSTITUTED JUDGMENT

COUNSEL:
JULIE FORRESTER (CPE)...JAMES B CHURCH
MELODIE Z SCOTT (CPE)...SEAVER & GILL

GENERAL INFORMATION:
continued from 3/3/08, 6/2/08, 7/7/08 and 8/28/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for Substituted Judgment to Create a Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Conservatee is 46, unmarried and has not children or domestic partner and resides in a drug rehabilitation facility. Conservatee suffers from paranoid schizophrenia and delusions. Conservatee receives a large yearly distribution from the California Lottery.
2. Petitioner is court appointed counsel for conservatee and was requested by the court on 9/13/04 to prepare an estate plan for the conservatee as conservatee does not have a trust or will. Petitioner requests authority to create a trust and a pour-over will.
3. Petitioner alleges conservatee is able to comprehend the nature of her estate and issues relating to estate planning. Petitioner alleges the size of the estate is such that it is reasonable to create an estate plan and conservatee desires to provide a gift to charity. Upon the death of the conservatee, the trust proposes distribution of equal shares of 50% of the estate to conservatee's then surviving siblings and an entire 50% of the estate to the Harvest Christian Fellowship Church.

4. Local rule of court Rule 20-1405 SUBSTITUTED JUDGMENT -CREATION OF TRUSTS States as follows: Creation of trusts of the property of a conservatee (Probate Code § 2580 (b)(5)) will normally be approved only on the conditions that (1) the trustee be subject to the same obligations, terms and conditions as a conservator of the estate during the lifetime of the conservatee and (2) the trust instrument so obligate the trustee. These obligations, terms and conditions shall normally include, but need not be limited to, the following:

- (a) Posting bond for assets and income of the trust;
- (b) Accounting to the Court in the Conservatorship proceeding;
- (c) Conservatorship investment limitations;
- (d) Court approval and confirmation of gifts, hypothecations or sales of assets;
- (e) Providing for the conservatee's needs without regard for the interest of remainder beneficiaries;
- (f) Prior Court approval for payment of fees to attorneys, conservators and trustees; and
- (g) Payment of Court investigator fees.

5. The trust names Melodie Scott as first trustee and Christina Erickson-Taube as successor trustee. The trust allows the trustee to pay trustee compensation without court order. Does court wish to require any trustee fees to be first approved by the Court? JTD

6. Melodie Scott is currently unlicensed. Question whether Melodie Scott qualifies to be appointed as trustee? File verified supplement.

7. The proposed trust waives bond. Bond posted of \$5,241,000.

8. The trust allow investments without limitation other than the prudent investor rule limitations

9. There is no requirement that attorney fees be approved by the court. Does court wish to require any trustee fees to be first approved by the Court? JTD

10. The trust does call for biennial accountings to the court.

11. There is no provision for payment of Court Investigator's fees.

RECOMMENDATION:

Require petitioner to conform the terms of the trust to comply with the requirements of local rules of court for substituted judgments in conservatorships.

(/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02083

CASE NAME: MATTER OF GREGORY M OCHOA

HEARING:

THIRD Account and Report of INLAND COUNTIES REGIONAL CENTER INC
and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(CE)...BRUNICK MCELHANEY & BECKETT
GREGORY M OCHOA (CTE)...DUANE P BOOTH

GENERAL INFORMATION:

Report covers period: 6/1/06 – 6/30/08

THIS CASE IS SET FOR HEARING ON Third Report Current and Petition to Dispense
with current and future accountings

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the conservatee's estate qualifies for a waiver of accounting per Pr.C. §2628 and that conservatee's only income is public benefits of \$1,091/month. The bulk of the conservatee's assets are held in the Master Trust pooled account. Petitioner requests that the current and future accountings of the conservatorship estate be waived. JTD
2. Petitioner waives fees. Instead, petitioner requests authority to allow Master Trust of California a fee of \$1,750. In addition, petitioner requests authority to pay to Master Trust a quarterly trustee fee of \$218.75/quarter for a total of \$875/year. JTD
3. Attorney requests a reduced fee of \$943.75. Billed at \$125/hour for attorney time and \$75/hour paralegal time. Itemized. JTD

RECOMMENDATION:

Court's discretion re fees. If approved, set next review for fourth report to cover 7/1/08 – 6/30/09 for 11/2/09. Report to be filed 30 days in advance.
(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02743

CASE NAME: MTR RE ALISON KAY WILLIAMS

HEARING:
Hearing Re: STATUS

COUNSEL:
DAN WILLIAMS (CPE)...SUSAN STRICKLIN WILSON
ALISON KAY WILLIAMS (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set when memo from Court Investigator's office was received.
2. Attorney Bryan C. Hartnell appointed on 10/29/08 for Alison Kay Williams. Need report.

RECOMMENDATION
Need report

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02750

CASE NAME: MATTER OF BETTY B FARMER

HEARING:
Accounting Review

COUNSEL:

NANCY LINSMEIER (CPE)...JAMES B CHURCH
BETTY B FARMER (CEP)...JOAN NELMS

GENERAL INFORMATION:

Continued from 3/6/08. Attorney Flory appeared as an interested party because his attorney's fees have not been paid. Attorney reports to the court that the estate is without assets because all of the assets were distributed to conservatee's children. Court orders that the conservator file an accounting that itemizes the distributions.

Continued from 4/24/08 & 6/5/08. Prior counsel, Attorney Church, and conservatee's counsel, Attorney Hartnell, advise court that they have not had contact with the conservator. Citation issued.

Last continued from 8/21/08. Court orders Nancy Linsmeier to be present at next hearing unless accounting is filed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review – Waiver of accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Waiver of accounting filed per Pr. C. § 2628 covering the period 10/25/05 – 7/23/06. Conservatee died on 7/23/06. Conservatorship had previously and does presently qualify for a waiver of account per Pr.C. § 2628. Assets on hand consist of \$31.56 and personal property consisting of clothing. As of the end of the first accounting on 10/26/05, conservatee's estate consisted of cash only of \$2,111.08. Conservatee's real property was distributed to conservatee's children per Order on Substituted Judgment granted 6/24/05 (tabbed).
2. Petitioner requests the court waive the accounting requirement, terminate the conservatorship and discharge the conservator. The order for final

discharge cannot be approved until distribution is ordered. However, petitioner has not submitted a proposed distribution. Need verified supplement.

3. There appears to be previous attorney's fees awarded as follows:
 - (a) Attorney Church - \$7,491.50 and costs advanced of \$837.50.
 - (b) Attorney Hartnell - \$2,722.50
 - (c) Question whether any portion of the above fees have been paid? If not, how will fees be paid? File verified supplement.
4. **Citation was personally served on 6/27/08.**

RECOMMENDATION:

If approved, court to set hearing re filing receipts and final discharge for 11/12/09.
(gls/cbr/gls)

Superior Court of Calif, County of San Bernardino

Page: 41

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02815

CASE NAME: MTR OF JAMES HILLYER

HEARING:

SECOND Account and Report of INLAND COUNTIES REGIONAL CENTER and
Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(CE)...BRUNICK MCELHANEY & BECKETT
JAMES HILLYER (CTE)...

GENERAL INFORMATION:

Report covers period: 4/1/06 – 6/30/08

THIS CASE IS SET FOR HEARING ON Second Report Current and Petition to Dispense
with current and future accountings

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the conservatee's estate qualifies for a waiver of accounting per Pr.C. §2628 and that conservatee's only income is public benefits of \$1,091/month. The bulk of the conservatee's assets are held in the Master Trust pooled account. Petitioner requests that the current and future accountings of the conservatorship estate be waived. JTD
2. Petitioner waives fees. Instead, petitioner requests authority to allow Master Trust of California a fee of \$1,968.75. In addition, petitioner requests authority to continue to pay to Master Trust a quarterly trustee fee of \$218.75/quarter for a total of \$875/year. JTD
3. Attorney requests fees of \$956.25. Billed at \$125/hour for attorney time and \$75/hour paralegal time. Itemized. JTD

RECOMMENDATION:

Need notice and then court's discretion re fees. If approved, set next review for fourth report to cover 7/1/08 – 6/30/09 for 11/2/09. Report to be filed 30 days in advance.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02823

CASE NAME: MTTR OF MICHAEL JOSEPH DAVIS

HEARING:

FINAL Account and Report of MARY LOUISE DAVIS and Petition for allowance of fees filed.

COUNSEL:

MARY LOUISE DAVIS (CPE)...PRO/PER
MICHAEL JOSEPH DAVIS (CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION:

Accounting covers period: 3/22/05 – 4/21/08
The conservatee died on 8/5/07

THIS CASE IS SET FOR HEARING ON Final Accounting and report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Accounting and report are not verified per Pr.C. §1021. Need verification.
3. Accounting does not meet the requirements of Pr.C. §1061. Also, it cannot be determine whether or not the accounting is in balance as there is no summary of account. In addition, Accounting is not on mandatory Judicial Council forms GC-400/405. Need to file amended accounting.
4. Report not in the form required per Pr.C. §1064. File amended report.
5. There is an attachment (tabbed) indicating "Amount Owed to Conservatee by Conservator" in the amount of \$1,419.09. It would appear that the conservator made advances for various expenses for conservator's benefit using the conservatee's funds without prior court authority.
6. The court previously ordered conservatee's personal property to be sold to pay the balance owed to Reche Canyon. Petitioner alleges the guns were taken to Big John's Guns in Yucaipa where they agreed to hold them until the court made a decision. As the court ordered the guns sold on 9/25/08,

question whether they have been sold and if so, need to account for the proceeds from such sale.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02929

CASE NAME: MTTR OF CAPITOLA RAMONA CARTER

HEARING:
Accounting Review

COUNSEL:
ARAJ CARTER JR (CPE)...PRO/PER
CAPITOLA RAMONA CARTER (CEP)...E. JOAN NELMS
ARAJ CARTER SR (PCR)...SUSAN

GENERAL INFORMATION:

Final account due from the prior conservator, Araj Carter, Jr., for the period: 8/26/06 – 4/27/08.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. No bond company to notice.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS03022

CASE NAME: MTR RE EMILENNE C BRUCE

HEARING:
Accounting Review

COUNSEL:
CHRISTINA ERICKSON-TAUBE (CPE)...KARIN HORSPOOL
EMILIENCE C. BRUCE (CEP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION:
Second accounting due for the period: 6/14/07 – 6/13/08

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:
When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2. Clerk to notice bond company.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS03127

CASE NAME: MTR OF ROBERT FRAZIER MUNROE

HEARING:
Hearing re Final Discharge

COUNSEL:
DIANE E. HARKISON (CPE)...M DANIEL SAYLOR
ROBERT FRAZIER MUNROE (CEP)...

GENERAL INFORMATION:
Order for Final Distribution granted on 9/20/07
Continued from 9/25/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file receipts and final discharge declaration/order.
2. Note: A corrected ordered was filed 9/25/08.

RECOMMENDATION:
Find out status.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS03151

CASE NAME: MTR OF JEANNE HARRIS

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

DIANE D HARKISON	(CPE)...M DANIEL SAYLOR
JEANNE HARRIS	(CEP)...EDWARD B FISCHER
PATRICK B WRIGHT	(TP)...PRO/PER

Address	3152 N. Sierra Way, San Bernardino (APN: 0152-184-07)
Appraised value	\$95,000 (per Reappraisal for Sale)
Sale price	\$90,000
First overbid	\$95,000
Deposit	\$5,000. Local rule 20-807 requires 10% deposit unless VA or FHA financed.
Commission	6%, or \$5,400 payable 1/2 to ReMax Advantage and 1/2 to Warsaw Realty
Additional bond	\$90,000. Appears adequate.
Reason for sale	To pay for expenses of administration
Exposure to market	Listed in MLS and signed placed on property
Notice (gls/cbr)	Ok

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS1021

CASE NAME: IN THE MATTER OF ROBERT MANNING

HEARING:
Accounting Review

COUNSEL:
ROBERT MANNING (CEP)...
LAWRENCE A DEAN II (SC)...J. DAVID HORSPOOL

GENERAL INFORMATION:
Ninth Accounting is due for the period 8/1/07 - 7/31/08

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:
When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2. Clerk to notice bond company.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00403

CASE NAME: CONSERVATORSHIP OF JERRY R. JONES, SR.

VACATED

HEARING:
Hearing re Final Discharge

COUNSEL:

DEBRA BLACKMORE	(PET)...PRO/PER
JERRY R JONES SR	(CEP)...CALDWELL, KENNEDY & PORTER
LARRY HAYEK	(PET)...JAMES BRUCE MINTON
FRANCES HAYEK	(PET)...JAMES BRUCE MINTON
MELODIE SCOTT	(PET)...SHERRI L KASTILAHN
JERRY R JONES JR	(OBJ)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

MISC.

DATE: 11/06/08 TIME: 1:30 DEPT: E1

CASE #: SPRSS07179

CASE NAME: EST OF BARBARA CARTWRIGHT

SEE ALSO 50

HEARING:

Mandatory Settlement Conference

COUNSEL:

WORLDWIDE ASSET PURCHASING LLC(PET)...RORY W CLARK
BARBARA CARTWRIGHT (DEC)...
RUTH L HENRICKS (PET)...HARTNELL LISTER & MOORE
YATAKA MATSUMOTO (TP)...MARTIN E KELLER
DEPT OF HEALTH CARE SERVICES ()...

No notes – M.S.C.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/06/08 TIME: 1:30 DEPT: E1

CASE #: SPRSS07179

CASE NAME: EST OF BARBARA CARTWRIGHT

SEE ALSO 49

HEARING:

Petition for ORDER DETERMINING INTEREST IN REAL PROPERTY AND
DIRECTING TRANSFER OF REAL PROP TO PET

COUNSEL:

WORLDWIDE ASSET PURCHASING LLC(PET)...RORY W CLARK
BARBARA CARTWRIGHT (DEC)...
RUTH L HENRICKS (PET)...HARTNELL LISTER & MOORE
YATAKA MATSUMOTO (TP)...MARTIN E KELLER
DEPT OF HEALTH CARE SERVICES ()...

GENERAL INFORMATION:

Continued from 3/29/07 to trail OSC hearing.

Continued from 6/14/07 and 7/26/07 at request of counsel.

Continued from 9/6/07, 11/15/07 and 2/14/08 at request of counsel. Mediation is still being discussed.

Last continued from 4/24/08, 7/24/08 and 9/11/08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to determine interest in real property and directing transfer of real property to petitioner

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Yutaka Matsumoto files this Pr.C.§850 petition alleging that petitioner has an equal ownership interest in real property located at 26288 Bertie Lane, Highland which is titled in the name of the decedent. As petitioner and decedent allegedly entered into an oral agreement whereby petitioner and decedent would share the assets of a business known as Quintessence that petitioner and decedent formed on or about 1980. Petitioner further alleges that the business "Quintessence" ceased doing business in our about 1997 and thereafter incurred substantial indebtedness in caring for decedent. Petitioner finally alleges that petitioner contributed monies toward the mortgage, repair &

improvements or the real property in reliance of the oral agreement. Need copy of vesting deed.

2. **On 1/25/07 the court issued a citation against petitioner Mr. Matsumoto to appear on 3/15/07 and show cause why he has claim to real property. Court has continued this OSC to 5/3/07. On 3/15/07 the parties stated they were working on settlement. Same on 5/3/07. On 6-14-07 the parties indicated that objections would be filed.**
3. **Objection filed by Ruth Hendricks, administrator.**

RECOMMENDATION:

Determine settlement negotiations or alternatively, set for contested hearing.

(/gls)

Superior Court of Calif, County of San Bernardino

Page: 1

CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 11/06/08

TIME: 9:00

DEPT: E2

CASE #: PROPS0700210

CASE NAME: MTR OF DOROTHY DIANE EDWARDS

HEARING:

Petition for VACATE PROCEEDING FOR LACK OF ASSETS AND DISCHARGE
PERSONAL REP

COUNSEL:

DENNY LEE GREGORY (PET)...BETTY AUTON-BECK

DOROTHY DIANE EDWARDS (DEC)...

GENERAL INFORMATION:

Continued from 9/11/08. Court notes severe reduction of property value. Counsel advises that the value is for the mobile home, not inclusive of the land the mobile home sits on.

THIS CASE IS SET FOR HEARING ON Petition to Vacate Proceedings for Lack of Assets and for Discharge of Personal Representative

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that it has been discovered that the estate is not worth over \$100,000 and therefore, there are no assets subject to a formal probate administration. Petitioner requests that the proceedings be terminated and the petitioner discharged as personal representative.
2. Corrected Inventory and Appraisal filed indicating property is valued at \$99,500.
3. No opposition filed at the time of the review of this file.
4. Need to submit order after hearing.

RECOMMENDATION:

Court's discretion. No need to set future review dates if court discharges personal representative.

(gl/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700234

CASE NAME: ROSEMARY T. BINNEY

VACATED

HEARING:
Readiness Calendar

COUNSEL:

THEODORE C BINNEY JR (PET)...HORSPOOL & PARKER
ROSEMARY T BINNEY (DEC)...
GRADY JAMES BINNEY (PET)...WARD & WARD
AUCTION-CA FINANCIAL SERVICES (TP)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700386

CASE NAME: DORIS LORRAINE GARST

HEARING:

WAIVER OF Account and Report of GAYLE GARST DUCHANIN and
Petition for allowance of fees filed.

COUNSEL:

GAYLE GARST DUCHANIN (PET)...DAVID J HART
DORIS LORRAINE GARST (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Residual heirs have waived an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$5,934.99. Ok.
4. Attorney requests extraordinary fees of \$2,333.25 for services resolving adverse litigation against the estate. Billed at \$225/hour for 10.37 hours. Itemized. JTD
5. Petitioner requests that the court approve reimbursements made to petitioner for costs advanced totaling \$22,058.64 before Letters were issued. Itemized. JTD
6. Petitioner requests authority to withhold \$1,000 as a reserve for closing costs. Ok.
7. Petitioner alleges petitioner paid \$65.00 for graduated filing fees. However, do not see such fees noted as received in the register of actions. If petitioner did pay such fees, petitioner is entitled to reimbursement per Burkey v. State of California (2008) 161 Cal. App. 4th 465.

RECOMMENDATION:

RFA subject to court's determination of costs advanced and extraordinary fees. If approved, court to set hearing on filing receipts and final discharge for 11/12/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700574

CASE NAME: TEMPIE LEE WILLIAMS

HEARING:
Accounting Review

COUNSEL:

LESTER WILLIAMS SR (PET)...OLLIE MANAGO
TEMPIE LEE WILLIAMS (DEC)...
DEPARTMENT OF HEALTH CARE SERV(TP)...
MARION WARD WILLIAMS (LAYNE A BARTHOLOMEW)...LAYNE A B
TINA Q WILLIAMS (LAYNE A BARTHOLOMEW)...LAYNE A B
KATHERINE L HODGE (LAYNE A BARTHOLOMEW)...LAYNE A B

GENERAL INFORMATION:

Letters of Administration issued 8/30/07 (limited authority, no bond)

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed

RECOMMENDATION:

Find out status.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700578

CASE NAME: ANTONIA ROSE LELAKE

HEARING:

FIRST AND FINAL Account and Report of JUNIOR LEE HAMM and
Petition for allowance of fees filed.

COUNSEL:

JUNIOR LEE HAMM (PET)...IGNAZIO
ANTONIA ROSE LELAKE (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests statutory compensation of \$5,629.85. Ok.
2. Attorney requests statutory fees of \$5,629.85. Ok.
3. Petitioner sold the estate real property during the administration of the
estate. Need copy of escrow statement per local rule 20-910.

RECOMMENDATION:

RFA subject to note 3. If approved, court to set hearing on filing receipts and final
discharge for 11/12/09.

(glS)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700662

CASE NAME: LORETHA I JOHNSON

SEE ALSO 7 8 9

HEARING:

Hearing Re: CREDITOR'S CLAIM OF DELIAH JOHNSON

COUNSEL:

DELILAH JOHNSON	(PET)...PRO/PER
LORETHA I JOHNSON	(DEC)...
JENI JOHNSON	(PET)...JAMES B CHURCH
MARZJAH Q ESTHER	(MIN)...DUANE P BOOTH
NIZJAH L ESTHER	(MIN)...DUANE P BOOTH
OASZJUREE R MOORE	(MIN)...DUANE P BOOTH
GERMAINE MOORE JR	(MIN)...DUANE P BOOTH
ILAY M MOORE	(MIN)...DUANE P BOOTH

GENERAL INFORMATION continued from 8/18/08. Court informs petitioner that a copy of the creditor's claim must be served on Attorney Mark Flory.

Continued from 09/25/08 to trail hearing on Motion to Withdraw as Counsel of record. Attorney Flory ordered to served Jeni Johnson with order by mail. Notice mailed.

THIS CASE IS SET FOR HEARING ON Creditor's Claim filed by Special Administrator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Creditor Claim received by the court on 5/28/08. Delilah Johnson makes a claim in the amount of \$4,469.87 for payments regarding restraining order and probate/credit claims.
2. Matter set on calendar by the court on 7/17/08 and clerk mailed notice to both counsel and special administrator.

RECOMMENDATION:

Court's discretion.

(/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700662

CASE NAME: LORETHA I JOHNSON

SEE ALSO 6 8 9

HEARING:

Motion Re: TO BE RELIEVED AS COUNSEL Filed by Petitioner JENI
JOHNSON

COUNSEL:

DELILAH JOHNSON	(PET)...PRO/PER
LORETHA I JOHNSON	(DEC)...
JENI JOHNSON	(PET)...JAMES B CHURCH
MARZJAH Q ESTHER	(MIN)...DUANE P BOOTH
NIZJAH L ESTHER	(MIN)...DUANE P BOOTH
OASZJUREE R MOORE	(MIN)...DUANE P BOOTH
GERMAINE MOORE JR	(MIN)...DUANE P BOOTH
ILAY M MOORE	(MIN)...DUANE P BOOTH

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Motion re: To be relieved as counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner indicates there has been a breakdown in communication such that the attorney-client relationship has been compromised. Counsel alleges that mail addressed to Jeni Johnson has been return by the Post Office and Jeni has refused to give the attorney a forwarding address. There has since been a forwarding address that Counsel has mailed notice to as well. Counsel has requested that Ms. Johnson sign and return a Substitution of Attorney, but she has failed to do so.

RECOMMENDATION

Court's discretion.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700662

CASE NAME: LORETHA I JOHNSON

SEE ALSO 6 7 9

HEARING:

Order to Show Cause re: SURCHARGE filed by DELILAH JOHNSON.

COUNSEL:

DELILAH JOHNSON	(PET)...PRO/PER
LORETHA I JOHNSON	(DEC)...
JENI JOHNSON	(PET)...JAMES B CHURCH
MARZJAH Q ESTHER	(MIN)...DUANE P BOOTH
NIZJAH L ESTHER	(MIN)...DUANE P BOOTH
OASZJUREE R MOORE	(MIN)...DUANE P BOOTH
GERMAINE MOORE JR	(MIN)...DUANE P BOOTH
ILAY M MOORE	(MIN)...DUANE P BOOTH
DELILAH JOHNSON	(PET)...PRO/PER
LORETHA I JOHNSON	(DEC)...

See notes on matter 9

CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700662

CASE NAME: LORETHA I JOHNSON

SEE ALSO 6 7 8

+ HEARING:

SPECIAL ADMINISTRATOR Account and Report of DELILAH JOHNSON and
Petition for allowance of fees filed.

COUNSEL:

DELILAH JOHNSON	(PET)...PRO/PER
LORETHA I JOHNSON	(DEC)...
JENI JOHNSON	(PET)...JAMES B CHURCH
MARZJAH Q ESTHER	(MIN)...DUANE P BOOTH
NIZJAH L ESTHER	(MIN)...DUANE P BOOTH
OASZJUREE R MOORE	(MIN)...DUANE P BOOTH
GERMAINE MOORE JR	(MIN)...DUANE P BOOTH
ILAY M MOORE	(MIN)...DUANE P BOOTH

GENERAL INFORMATION

Continued from 04/21/08. At the 04/21 hearing Court ordered Delilah Johnson that she must file an accounting for the period that she was administrator and instructed attorney Church to Aid her in obtaining the necessary bank records. Court informed Delilah Johnson the declaration filed by her is not sufficient in light of allegations of misconduct by counsel for Jeni Johnson. Delilah Johnson was ordered to appear at the next hearing. Nothing new filed re Accounting.

Continued from 06/03/08. At the 06/30/08 hearing, Court noted that Special Administration declaration filed by Delish Johnson is set for hearing on 06/30/08. Court confirmed that date and admonished Ms. Johnson to obtain a copy of probate notes and be prepared to respond to notes. Nothing new filed.

Continued from 6/30/08 and 8/18/08. Still no accounting filed. Delilah Johnson is advised that her 5/28/08 pleading is not an accounting and that the court must have a proper accounting. Court set OSC re Surcharge. Counsel to file papers by 7/11/08. As of review of this file on 7/30/08, nothing new filed.

Continued from 09/25/08. Court ordered Delilah Johnson to review the probate notes and possibly file a supplement and to trail the motion to be relieved as counsel by attorney Church. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review for accounting by Delilah Johnson

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter is on for Accounting Review. No accounting has been filed by Deliah Johnson.
2. Deliah Johnson, former special administrator, has filed a declaration in lieu of accounting stating the following attempts and inability to administer decedent's estate since her removal as special administrator:
 - A Inability to receive mail due to removal of mailbox and "hold" by post office;
 - B Inability to access utility accounts due to unknown passwords required to gain access;
 - C Inability to deposit funds into Service Plus Credit Union in the amount of \$693.31 and funds in the amount of \$561.76 in Wells Fargo Bank.

Declarant further alleges, she has closed the RAFF Federal Credit Union account in the amount of \$25.00. Declarant states the check in the amount of \$25.00 was given to Attorney Mark Flory at hearing on 02-04-08.

3. Subpoena Duces Tecum filed by Deliah Johnson on Jeni Johnson. However, the document is not clearly legible to indicate what petitioner is seeking. **On 8/18/08, the court orders petitioner to supply Attorney Flory with a list of documents she is requesting and excuses Attorney Flory and his client from further appearance under the subpoena.**

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. There is no bond company to notice.
(kra/vet/cbr/kra/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800130

CASE NAME: WILLIE PEARL RANKIN FAMILY TRUST

SEE ALSO 10A

HEARING:
Status Conference

COUNSEL:

ANTHONY D RANKIN	(PET)...DENNIS M SANDOVAL
CHARLES W RANKIN	(PET)...DENNIS M SANDOVAL
ANTHONY D RANKIN	(PET)...DENNIS M SANDOVAL
ANGELO RANKIN	(OBJ)...COREEN R WALSON

No notes – Status Conference
2/11 rdi
2/17 trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800130

CASE NAME: WILLIE PEARL RANKIN FAMILY TRUST

SEE ALSO 10

HEARING: FIRST ACCOUNT AND REPORT OF ANTHONY D RAANKIN
AND PETITION FOR ALLOWANCE OF FEES

COUNSEL:

ANTHONY D RANKIN	(PET)...	DENNIS M SANDOVAL
CHARLES W RANKIN	(PET)...	DENNIS M SANDOVAL
ANGELO RANKIN	(OBJ)...	COREEN R WALSON

GENERAL INFORMATION:

Accounting covers period: 7/12/07 – present

Continued from 10/30/08. There was no appearance and notes not cleared. Nothing new filed.

THIS CASE IS SET FOR HEARING ON First Account Current

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Respondent, Angelo Rankin, files an accounting, however, said accounting does not meet the requirements of Pr.C. §1061. Furthermore, there is no summary of account so it cannot be determined whether or not the accounting balances. Additionally, it appears there are receipts and disbursements which are co-mingled with respondent's personal accounts. Need proper accounting.
2. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need to clear notes.

(gls/cbr)

2/11 rdi

2/17 trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800870

CASE NAME: JOHN F PETRUTIS

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

JACQUELINE D MAYOU (PET)...ANDERSON, MCPHARLIN & CONNERS
JOHN F PETRUTIS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond
2. Need proof of publication.
3. Decedent died a resident of Sierra Madre, County of Los Angeles.
Therefore, it would appear venue is in the County of Los Angeles despite the
fact that decedent owned property in Wrightwood, California. Pr.C. §7051.

RECOMMENDATION:

Deny petition without prejudice as the proper venue for this proceeding in Los Angeles
County.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800874

CASE NAME: ANNIE S. LEWIS

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

CAMILLA GRANTINETTI (PET)...HOLCOMB & HOWE
ANNIE S LEWIS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. Item 8 of the petition does not include all persons named in the Will. Need
verified supplement or amended petition to include Jim Topp, Evelyn Topp
and Dorothy Higgins including their relationships to decedent, if any, and
addresses.
3. Need to file proof of publication.

RECOMMENDATION:

Need to clear notes. If approved, set future hearings for filing of Inventory & Appraisal on
06/18/09 and for Accounting Review on 01/14/10. Any accounting to be filed 30 days in
advance. Note requirements of local rule 20-908.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800878

CASE NAME: CORRINE LONDON

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full
Authority under IAEA.

COUNSEL:

VERNA L BARBRE (PET)...E. JOAN NELMS
CORRINE LONDON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters of
Administration with Will Annexed with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner submits a purported holographic Will dated 2/6/06. The writing is on an envelope marked "Keep" "2-6-06 My Will" there is no document(s) inside this envelope submitted as the purported holographic instrument. The purported holographic Will is not signed by the testator. In addition, there are no dispositive provisions of the Will. Question the validity of the purported holographic Will? Need points and authorities to address the validity.
2. Need proof of holographic instrument.
3. Need to file notice of petition to administer estate and proof of service.
4. Need to file proof of publication.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800882

CASE NAME: SOPHIE BRLARDE MARTINEZ

HEARING:

Hearing re: Petition for Probate of Will and Letters with
limited authority IAEA.

COUNSEL:

ANTONIO PETER MARTINEZ (PET)...SKVARNA LAW FIRM
SOPHIE BELARDE MARTINEZ (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will and for Letters
Testamentary with limited authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

Recommend for approval absent objections. If approved, set hearing on the filing of an
inventory and appraisal for 6/18/09. Set hearing on accounting review for 1/14/10.
Accounting to be filed 30 days in advance.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800888

CASE NAME: THE EVELYN DILONARDO FAMILY TRUST

HEARING:

Petition for TO REMOVE TRUSTEE AND TO APPOINT PETITIONER AS
TRUSTEE, FOR ACCOUNTING & ATTORNEY'S FEES

COUNSEL:

DAN A DILONARDO (STE)...MATTHEW E SHEASBY

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Remove Trustee and to Appoint
Petitioner as Successor Trustee, for an accounting and attorney's fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Notice of hearing and proof of service filed. However, it is not timely per Pr. C. § 17203; need 30 days notice.
2. Petitioner alleges he is the successor trustee and beneficiary of the Evelyn Dilonardo Family Trust established on 5/18/04. The original trustor died on 5/2/08. Upon the settlor's death and pursuant to the terms of the Trust, Michael Dilonardo ("Michael"), petitioner's brother, was to act as trustee. Petitioner further alleges that Michael let the trust property fall into sever disrepair so that it was inhabitable and unable to be sold, misappropriated funds and has suffered health problems. Petitioner requests that Michael Dilonardo be removed as trustee as he is unfit to administer the trust and has failed to act. The schedule of trust property (tabbed) only lists settlor's residence at 17036 E. Arrow Hwy., Covina and household furniture, furnishings and garage tools and items. There are no bank accounts listed as trust property.
3. Petitioner requests that the court Michael to account for his acts as trustee. Question if petitioner has demanded an accounting per Pr.C. §17200(b)(7)?
File verified supplement.

4. Petitioner alleges that Michael is the acting trustee of the trust. Question where the principal place administration of the trust is held? If not San Bernardino County, the proper venue is the principal place of administration of trust. Pr. C. §17002.
5. Petitioner requests authority to pay from the trust attorney's fees of \$1,500.00 for attorney's time in preparing this petition. Need itemization of time spent and hourly rate. File verified supplement.

RECOMMENDATION:

Need to determine whether venue is proper. Need to clear notes.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS03958

CASE NAME: MTR OF THE BAILY ANN MCNEIL SPECIAL NEEDS TRST

HEARING:
Accounting Review

COUNSEL:
BAILY ANN MCNEIL (MIN)...JUDITH RUNYON
MELODIE Z. SCOTT (TEE)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

8th Accounting is due for the period 7/1/07 – 6/30/08

continued from 9/4/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.
(gls)

Superior Court of Calif, County of San Bernardino

Page: 17

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS04966

CASE NAME: EST OF SHIRLEY JO LANTZ

HEARING:

STATUS REPORT AND Account and Report of JENNIFER LYNN BROWN and
Petition for allowance of fees filed.

COUNSEL:

JENNIFER LYNN BROWN (PET)...MARTIN E KELLER
SHIRLEY JO LANTZ (DEC)...
LAURA ANN LOUCKS (OBJ)...FULLERTON LEMANN SCHAEFFER & D
DEPT. OF HEALTH SERVICES ()...

GENERAL INFORMATION:

Continued from **7-30-04, 9-10-04, 10-22-04, 12/17/04, 2/10/05, 6/8/05** (Attorney Dominick appeared for objector and **Court ordered Attorney Keller to file additional accounting**), **8/5/05, 8/26/05, 1/27/06** (for document review by objector. Amended objections since filed), **3/3/06, 5/5/06** (to obtain fire insurance claim report), **5/19/06** (ongoing exchange of documents), **8/18/06** (parties to meet and confer), **9/29/06** (settlement conference pending), **11/20/06, 2/26/07** (settlement negotiations pending). Continued from **4/19/07. Counsel to submit amended accounting by 6/16/07.** Continued from **7/16/07** at request of counsel. Supplemental status report and proof of proper notice to be filed. **Nothing new filed.** Continued from **10/15/07** at request of counsel. For filing of status report and proper notice. **Nothing new filed.** Continued from **12/03/07** for amended status report. **Nothing new filed.** Continued from **2/4/08** at request of counsel. Nothing new filed. **Continued from 6/2/08, 7/7/08 and 9/11/08 at request of counsel. Attorney Keller advises that outcome of civil litigation may resolve the probate action.**

THIS CASE IS SET FOR HEARING ON Status report of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate not in position to be closed yet due to continued issue re fire insurance claim.
2. Need to file proof of service on Amended Status Report. Notice must comply with Pr.C. §12201.

3. **Objections filed by Laura Loucks alleging petitioner has unreasonably delayed the administration of the estate by failing to resolve the outstanding fire loss claim and has failed to voluntarily produce records of the accounts of the decedent and the estate.**
4. **Need to file an accounting by executor.**
5. **In amended objections, objector adds that account/report does not accurately reflect assets of the estate because she believes that decedent loaned \$30,000 to executor which were secured in part by decedent from funds she borrowed from BofA. The loan is not inventoried. Objector adds that \$68,000 was received from insurance proceeds re the fire claim but are being held by attorney Clayton Weed (apparently not an attorney involved in this action). Objector also objects to allowance of credits for various disbursements and reimbursements. Objector also requests surcharge and cost of suit.**

RECOMMENDATION:

Set for contested hearing.

(/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS06514

CASE NAME: ** MF**LINDA GAIL CARDWELL

HEARING:
Probate status report filed.

COUNSEL:
DAVID L CARDWELL (PET)...FULLERTON LEMANN SCHAEFFER & D
LINDA GAIL CARDWELL (DEC)...
JOHN D MICKUS (SPA)...PRO/PER
BRIAN D LYNCH (OBJ)...JOHN M RAGER
STEPHANIE WOOD (E. JOAN NELMS)...E. JOAN N

GENERAL INFORMATION:
Letters of Administration CTA issued to Brian Lynch on 8/20/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the sole purpose of commencing this estate was to conduct an ancillary probate in Tennessee. Petitioner alleges he is still attempting to settle the Tennessee ancillary probate. Petitioner requests an additional six months to one year to conclude this estate administration.
2. No opposition is filed at the time of the review of this file.

RECOMMENDATION:
Court's discretion. If approved, set next accounting review for 11/12/09.
(glS).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002910

CASE NAME: ESTATE OF HELEN ELIZABETH MAURY

HEARING:
Accounting Review

COUNSEL:
LA REINA GLENN (PET)...MARTIN E KELLER
HELEN ELIZABETH MAURY (DEC)...

GENERAL INFORMATION:
Letters Testamentary issued 4/9/07 (full authority, \$130,000 bond)

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Prior status report approved on 7/28/08. Petitioner was in the process of filing the final tax return.
2. Need final accounting.
3. Note: Bond Company has filed a "Notice of Non-Payment of Bond Premium" showing past due premiums due in the amount of \$580.

RECOMMENDATION:
Find out status. Court may wish to set OSC re status of bond.
(gl)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIPS**

DATE: 11/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800216

CASE NAME: GUADALUPE ROMERO MELENDEZ

SEE ALSO 21 22

HEARING:

Petition for APPOINTMENT OF CONSERVATOR OF THE PERSON & ESTATE

COUNSEL:

LISA URBINA (PCR)...HARTNELL, LISTER & MOORE
GUADALUPE ROMERO MELENDEZ (PCE)...LENITA A SKORETZ
GILBERT A MELENDEZ (SC)...PRO/PER
GILBERT A MELENDEZ (CPE)...PRO/PER
GUADALUPE ROMERO (CEP)...

GENERAL INFORMATION

On 08/20/08 Attorney Lenita Skoretz appointed counsel for proposed Conservatee. Matter referred to Court Investigator for investigation and report.

On 08/27/08 Court noted that placement of the proposed Conservatee is of the highest priority. Attorney Skoretz reported and court ordered that the parties have agreed to move the proposed Conservatee from Braswell's Ivy retreat to the home of Lisa Urbina.

Proposed Conservatee is to be moved to the home of Lisa Urbina pending the 09/25/08 hearing.

Continued from 9/25/08

THIS CASE IS SET FOR HEARING ON

- 1) Petition for Conservatorship, person and estate, by daughter (Lisa Urbina).
- 2) Petition for Conservatorship, person and estate, by son (Gilbert Melendez);
withdrawn.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition #1 by Lisa Urbina:

1. Court Investigator report filed.
2. Petitioner requests bond be set at \$20,000. Bond appears sufficient based on assets listed in petition. Judge to decide

3. Petitioner requests medical powers. Capacity declaration filed.
4. Petitioner requests dementia powers. Capacity declaration fled. Need dementia attachment to petition.
5. Need report of counsel.
6. Proposed Conservatee **Can** complete the Affidavit of Voter Registration.
7. Need return of citation.
8. Petitioner lives in Los Angeles County. Court may wish to transfer case to Los Angeles County if approved.

Petition #2 by Gilbert Melendez:

1. **Filed withdrawal of petition for Appointment on 10/21/08.**

RECOMMENDATION

Need to clear notes on petition 1, second petition withdrawn. If approved, set hearing for filing of Inventory and Appraisal care plan and proof of recordation of letters, including proof of service of Inventory and Appraisal instructions for objection to Inventory and Appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for 06/18/09. Accounting Review for 1/14/10. Any accounting to be filed 30 days prior to hearing.

(cbr/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800216

CASE NAME: GUADALUPE ROMERO MELENDEZ

SEE ALSO 20 22

HEARING:

Petition for EXCLUSIVE AUTHORITY TO GIVE CONSENT FOR MEDICAL
TREATMENT

COUNSEL:

LISA URBINA	(PCR)...	HARTNELL, LISTER & MOORE
GUADALUPE ROMERO MELENDEZ	(PCE)...	LENITA A SKORETZ
GILBERT A MELENDEZ	(SC)...	PRO/PER
GILBERT A MELENDEZ	(CPE)...	PRO/PER
GUADALUPE ROMERO	(CEP)...	

See prior notes on page 20

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800216

CASE NAME: GUADALUPE ROMERO MELENDEZ

SEE ALSO 20 21

HEARING:

Petition for Appointment of Conservator

COUNSEL:

LISA URBINA	(PCR)...	HARTNELL, LISTER & MOORE
GUADALUPE ROMERO MELENDEZ	(PCE)...	LENITA A SKORETZ
GILBERT A MELENDEZ	(SC)...	PRO/PER
GILBERT A MELENDEZ	(CPE)...	PRO/PER
GUADALUPE ROMERO	(CEP)...	

See prior notes on page 20

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00486

CASE NAME: THOMAS CHARLES RICHARDS

HEARING:

THIRD Account and Report of DANIEL G STUBBS and Petition for allowance of fees filed.

COUNSEL:

ASUNCION RICHARDS (PET)...LAYNE A BARTHOLOMEW
DANIEL G STUBBS (PCR)...J. DAVID HORSPOOL
THOMAS CHARLES RICHARDS (PCE)...
DANIEL G STUBBS (CE)...J. DAVID HORSPOOL
THOMAS CHARLES RICHARDS (CTE)...

GENERAL INFORMATION:

Accounting covers period: 7/1/07 – 6/30/08

Assets on hand: \$677,149.95 (Cash \$67,149.95 and real property)

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Allowance of fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$4,393.00, of which \$3,000 has been paid in periodic payments, leaving a balance due of \$1,393.00. Billed at various rates for various services not exceeding \$125/hour for a total of 62.70 hours. Itemized. JTD
2. Attorney requests fees of \$2,419.00. Billed at \$295/hour for 8.2 hours. Itemized. JTD
3. Petitioner requests that the bond be increased to \$170,000. However, it appears that the original bond posted 6/22/04, and the subsequent additional bonds posted 2/4/08 and 8/25/08, total \$170,000. Current bond appears sufficient.
4. Need biennial Court Investigator's report, together with CI fee of \$350.

RECOMMENDATION:

Need CI report and court's discretion re fees. If approved, set next accounting review for 11/18/10.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 10:30 DEPT: E2

CASE #: SC SS03016

CASE NAME: MTR OF WANDA A. HARDY

HEARING:
Accounting Review

COUNSEL:

CHRIS HARDY (CPE)...PRO/PER
WANDA A. HARDY (CEP)...C. L. FARRELL
LEGACY POST-ACUTE REHABILITATION (TP)...SANDERS, COLLINS & REHASTE
LLP

GENERAL INFORMATION:

Continued from 2/11/08 at request of counsel.

Continued from 3/27/08 oral reports given by PG, County Counsel and Attorney Holcomb. Attorney Holcomb has filed a motion to be relieved as counsel and Attorney Farrell will be filing a motion to remove Chris Hardy. No appearance by Chris Hardy and he has not complied with order to relinquish records and assets, Court issues citation. Clerk noticed bonding company.

Continued from 5/1/08. Attorney Pamela Valencia from Dennis Sandoval's office is present and turns over to DCC Scott Runyan documents provided by Chris Hardy. Court re-issues Citation on Chris Hardy.

Last continued from 6/12/08. Attorney Farrell turns over to Attorney Runyan information re non-inventoried storage unit. Return of Citation and declaration filed indicating Chris Hardy was no longer at last known address and had been gone for approximately two years.

At ex parte hearing on 6/23/08, Attorney Runyan advises court of Chris Hardy's address. Citation re-issued to Cissy Searleas (aka Chris Hardy).

Continued from 08/28/08. Chris Hardy was cited to appear in Court and she was specifically told not to appear by court call. Chris Hardy stated that she has witnesses that can attest that the Conservatee is being harmed and that she has already filed her accounting with her lawyer. Court was willing to issue and hold a bench warrant to 11/06/08 and order Chris Hardy to file an accounting in proper

format and verified by 10/06/08. However, Ms. Hardy refused to cooperate with the court and was found in contempt by Judge Ludvigsen. Court ordered a bench warrant be issued forthwith and ordered Chris Hardy to file the accounting as ordered above. If Ms. Hardy fails to file the accounting, the court will order C.L. Farrell to prepare an accounting based on documents provided by Chris Hardy. Bench warrant issued for Chris Hardy AKA Cissy Searleas. Bail set at \$10,000; may not forfeit.

THIS CASE IS SET FOR HEARING ON status of relinquishment of records/assets

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 1-24-08 the court suspended Chris Hardy and appointed the Public Guardian temporary Conservator. Court ordered that Chris Hardy turn over all records and assets to Public Guardian forthwith as well as file an accounting for the period 12/9/06 – 1/24/08.
2. Citation was personally served on Cissy Searleas (aka Chris Hardy) on 7/11/08.
3. Receipt filed by Public Guardian. PG is acting as temporary conservator. Question whether PG will file a petition for their appointment as permanent conservator? Court may wish to set review date.
4. Receipt filed by County Counsel.
5. Receipt filed by James Church received property from Public Guardian.

RECOMMENDATION:

Court's discretion.

(NMT/kra/gls/cbr/gls/cbr)

Future hearing date:

3/17/09 FINAL DISCHARGE

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00358

CASE NAME: MTR OF JOSEPH ALMA HALL

SEE ALSO 26 27

HEARING:

Hearing Re: APPOINTMENT OF GUARDIAN AD-LITEM

COUNSEL:

RICHARD HALL	(CP)...GUY HERREMAN
JOSEPH ALMA HALL	(CTP)...WALTER T MOORE
VALERIE HALL	(OBJ)...PRO/PER

GENERAL INFORMATION:

Continued from 06-09-08, wherein, conservator's objections to Walter Moore acting as private fiduciary were overruled, without prejudice.

Continued from 07/03/08 and 7/24/08 at request of counsel to be heard with related matters. Mr. Herreman was ordered to be prepared to address issue of counsel's possible conflict of interest. Nothing new filed.

Last continued from 8/28/08

THIS CASE IS SET FOR HEARING ON Appointment of Guardian Ad-Litem filed by Attorney Walter Moore – Petition #1

Competing Petition for Appointment of Guardian Ad Litem filed by Richard Hall. Father – Petition #2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition #1 (Moore):

1. Petitioner, Walter Moore, requests to be appointed as Guardian ad Litem to negotiate an insurance settlement with Mercury Insurance Company.
2. Need Notice of Hearing and proof of service.

Petition #2 (Hall):

1. Petitioner, Richard Hall, requests to be appointed as Guardian ad Litem to accept insurance settlement proceeds.
2. Petitioner is the conservator of the person only of Joseph Hall.
3. Joseph hall has signed the "Consent" portion of the petition.
4. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need notice and then court's discretion.

(vet/cbr/gls)

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00358

CASE NAME: MTR OF JOSEPH ALMA HALL

SEE ALSO 25 27

HEARING:

Petition for Appointment of Conservator

	COUNSEL:
RICHARD HALL	(CP)...GUY HERREMAN
JOSEPH ALMA HALL	(CTP)...WALTER T MOORE
VALERIE HALL	(OBJ)...PRO/PER

See prior notes (matter 25)

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/06/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00358

CASE NAME: MTR OF JOSEPH ALMA HALL

SEE ALSO 25 26

HEARING:

Ex parte hearing re: PETITION FOR APPT OF GUARDIAN AD LITEM

COUNSEL:

RICHARD HALL	(CP)...GUY HERREMAN
JOSEPH ALMA HALL	(CTP)...WALTER T MOORE
VALERIE HALL	(OBJ)...PRO/PER

See prior notes (matter 25)

Court notes there is a conflict of interest for Attorney Herreman to be appointed as guardian ad litem. Court orders Attorney Herreman to draft a special needs trust and court will consider who shall be appointed guardian ad litem which might make the need for the conservator of the estate moot. Attorney Herreman to file the petition for special needs trust in a separate case by 10/6/08 and have it set on 11/6/08. Mr. Hall must file a specific petition re reimbursement so that Attorney Moore may file a response.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

MISC.

DATE: 11/06/08 TIME: 1:30 DEPT: E2

CASE #: SPRSS05328

CASE NAME: ESTATE OF AGUSTINA GARCIA

HEARING:

Hearing Re: PTN OF ADMINISTRATOR TO RECOVER MONIES

COUNSEL:

NANCY DEANDA	(PET)...	KELLY WARREN
SERGIO GARCIA	(PET)...	KELLY WARREN
AGUSTINA GARCIA	(DEC)...	
KATHLEEN BRYAN	(PET)...	MARTIN E KELLER
LILIA MATA	(OBJ)...	MARTIN E KELLER
MANUEL GARCIA JR	(GARY R LEEMON	)...GARY R LE

GENERAL INFORMATION:

Continued from 05/29/08 at request of counsel to serve Manuel Garcia. Nothing new filed.
Continued from 6/30/08 and 8/18/08. No appearance on 8/18/08 by Manuel Garcia and court orders a bench warrant for \$300,000.at request of counsel for time to serve citation upon Manuel Garcia.

THIS CASE IS SET FOR HEARING ON Petition to Recover Monies from Manual Garcia, Jr. per Pr.C. §850

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Kathleen Bryan, alleges that on or about 8/24/99 decedent executed three deeds purportedly transferring real properties to Manual Garcia, Jr. Those properties being located at 3506 E. Third St., Los Angeles, 3512 E. Third Street, Los Angeles, and 3515 E. Third Street, Los Angeles. Thereafter, petitioner alleges that Mr. Garcia started collecting rental income from the tenants residing at the real properties of approximately \$2,500/month for the period 8/24/99-8/31/07. Furthermore, petitioner alleges Mr. Garcia also executed two promissory notes secured by deeds of trust in excess of \$250,000. On 10/27/04, a judgment was duly rendered in Los Angeles County Superior Court (BC252772) which provided

that (1) the three grant deeds executed by decedent were canceled; (2) Teresa Garcia was ordered to transfer all title and interest in the real properties to the estate of decedent; (3) Manual Garcia was ordered to transfer all title and interest in the real properties to the estate of decedent; and (4) Manual and Teresa Garcia were found by the court to be constructive trustees of the real property and ordered to return all rental income, rental deposits, rental agreements and/or loan proceeds to the estate of decedent. Manuel and Teresa Garcia were also ordered to provide a full accounting to the estate of decedent describing all income, loan proceeds and expenses arising from the use and management of the real properties. Moreover, on 11/28/06, the San Bernardino Superior Court ordered Manual Garcia to cease collecting rents and managing real property, to turn over rents and rental agreements as well as to provide an accounting. Manual Garcia was also ordered not to interfere with the actions of petitioner in her efforts to manage the real property. Petitioner alleges Manual Garcia has failed to deliver any rental income, rental deposits or monies received as a result of taking deeds of trust against the real properties. Furthermore, Manual Garcia has failed to provide an accounting. Petitioner requests that Manual Garcia, Jr., be ordered to pay petitioner \$500,000, as well as interest of 10% per annum, or \$200,000. Also, that because of Manual Garcia's willful fair and malicious conduct he be ordered to pay double the amount of damages, costs of suit and reasonable attorney's fees.

2. Need to file notice of hearing and proof of service per Pr.C. §851.
3. No opposition filed at the time of the review of this file.
4. Note: On 8/28/08, court ordered additional bond of \$220,000 to be filed by Kathleen Bryan following the Order Confirming Sale of Real Property. Do not see additional bond in file. Court may wish to set OSC re bond sufficiency.

RECOMMENDATION:

Need notice. Determine whether opposition will be filed and set for Evidentiary Hearing. Court may also wish to set OSC re bond sufficiency for 30 days.

(gls/cbr/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/04/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02140

CASE NAME: MTTR OF KEVIN RICHARD BARR

HEARING:
Hearing re: ANNUAL REPORT/REVIEW

COUNSEL:
CAROL L BARR (CP)...PRO/PER
KEVIN RICHARD BARR (CTP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Annual Report/Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set on 10/29/08. Petitioner is to file an annual waiver of accounting, 30 days prior to hearing.
2. No waiver filed. Need same.

RECOMMENDATION

Need waiver of accounting

(cbr)